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REMARKS

Applicant appreciates the Examiner's remarks and analysis contained in the Final Office Action dated January 12, 2006. Claims 1, 4-9 and 14-17 stand allowed. However, Applicant respectfully requests reconsideration of remaining claims 10 and 18.

The Examiner has rejected claims 10 and 18 under 35 USC § 103(a) as being obvious over *Yamada, et al.* in view of *Culp III, et al.* The Examiner argues it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the protection device of *Yamada, et al.* with the signaling device disclosed in *Culp III, et al.* There is no suggestion or motivation for making the proposed modification to *Yamada, et al.*

Specifically, *Yamada, et al.* discloses a scroll compressor 1 having a thermal switch 20 mounted on the stator winding 5d. An electric motor within the compressor housing is stopped by an opening of the thermal switch 20 when a load current of the electric motor exceeds a predetermined value so as to raise the temperature of the thermal switch 20. Tripping of the thermal switch causes the electric motor 5 to stop and prevent reverse rotation. *Culp III, et al.* discloses a compressor 10 having a protection module 86 and a terminal box assembly 28 mounted exterior to the compressor housing. The terminal box assembly 28 includes an indicator light 96 which provides an error indication of the specific fault to a technician, i.e. excessive temperature, excessive vibration, reverse rotation etc.

There is no benefit in providing the terminal box assembly of *Culp III, et al.* on the compressor assembly of *Yamada, et al.* The thermal switch 20 of *Yamada, et al.* protects only against reverse rotation. Therefore, the tripping of the thermal switch would only occur because

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of excessive pressure. Providing *Yamada, et al.* with a signaling device such as that provided by *Culp III, et al.* would provide no benefit because a technician would realize that only excessive pressure could have caused the thermal switch of *Yamada, et al.* to trip. As such, providing a signaling device that identifies the fault source is not useful because only one fault is monitored by the thermal switch of *Yamada, et al.* For these reasons, the suggested modification is improper. Therefore, claims 10 and 18 are allowable.

For the foregoing reasons, Applicant requests reconsideration of claims 10 and 18.

The Commissioner is authorized to charge Deposit Account No. 50-1482 in the name of Carlson, Gaskey & Olds for any additional fees or credit the account for any overpayment.

Respectfully submitted,

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CERTIFICATE OF TRANSMISSION UNDER 37 CFR 1.8

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office, fax number (571) 273-8300, on February 3, 2006.

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